

REMARKS

In the Office Action "the abstract of the disclosure was objected to because the abstract contains the legal phraseology "said" in reference to components." Upon entry of the attached amendments to the specification, this objection has been overcome and should be withdrawn.

In the Office Action, Claims 1-7 and 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (US 6,082,533). Applicants traverse this rejection for the following reasons.

Applicants' claimed invention requires two linear sides that intersect the horizontal plane at a particular angle of 125 to 170 degrees. See, U.S. Ser. No. 09/925,117, claim 1 and Figures 1, 2a and 4a. As acknowledged in the Office Action, "two linear sides intersecting the horizontal plane at angles having values from 125 to 170" are not disclosed by Smith. See, Office Action page 3, third full paragraph.

Smith discloses one embodiment of a disposable contact lens package (300) with a raised seal volume (310), where the raised seal volume is arcuate in shape. See, Smith Figures 5 and 6. Further Smith discloses another embodiment of a package "with a linear wall having an angle greater than or equal to 90 degrees (citations omitted) instead of an arcuate side." See, Office Action page 3, fourth full paragraph. It is asserted in the Office Action that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the package (Smith et al 300 with linear sides substituted for arcuate sides) with angles from 125 to 170 ..." See, Office Action page 4, first full paragraph. However, this reading of Smith ignores other teaching of Smith with respect to the angle of wall 220 in package 300.

Smith teaches that "wall 220 that extends substantially perpendicularly from the top surface 160 of the base, termination at the edge 240 of the curved surface 260." See, Smith col. 2, lines 36-38, underlining added for emphasis. Even though Smith indicates that the "wall 220 need not be exactly perpendicular to the top surface," Smith requires that the wall extend substantially perpendicularly. Therefore Applicants' claimed invention of two linear walls independently having angles of 125 to 170 would not be obvious to one of ordinary skill in the art who is reviewing a teaching that requires a substantially perpendicular wall.

Further Smith discloses the extension of a single arcuate wall with a substantially a substantially perpendicular wall. See, Smith col. 2, lines 36-38. Smith does not suggest a contact lens package having two linear sides. Therefore Applicants' claimed that requires two features (number of linear sides and the angle of such sides to the base) that are not suggested by Smith would not be obvious to one of ordinary skill in the art in view of Smith. Applicants respectfully assert that the rejection of claims 1-7 and 10-22 in view of Smith has been overcome and should be withdrawn.

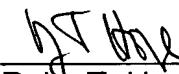
In the Office Action, claims 18 and 22 were rejected in view of Smith, citing the "Smith et al discloses rounded surfaces (260, 360) at the peak of the raised seal volume." See, Office Action page 4, last paragraph. Applicants traverse this rejection for the reasons stated above distinguishing the claimed invention over Smith.

In the Office Action, claims 19-21 were rejected in view of Smith, citing that "as applied to claims 1, 17, and 18 above discloses the claimed inventions except of the specific radii claimed by the applicant. See, Office Action page 5, second paragraph. Applicants traverse this rejection for the reasons stated above distinguishing the claimed invention over Smith.

In the Office Action claims 8 and 9 were "rejected under 35 U.S.C. 103 (a) as being unpatentable over Smith et al as applied to claims 1 and 6 above and further in view of Lust et al (5,704, 468) and Abrams et al (US 5,467,868)." Applicants traverse this rejection for the following reasons. First as stated above the claimed invention is distinguishable over Smith. Second, neither Lust nor Abrams suggest two linear sides having a particular angle. Therefore the combination Smith with either or both, Lust and Abrams would not suggest the invention of claims 8 and 9 to one of ordinary skill in the art.

In view of the foregoing reasoning Applicants respectfully submit that all of the rejections in the Office Action have been overcome and should be withdrawn. A Notice of Allowance of claims 1-22 is respectfully solicited. If the Examiner believes that an interview would expedite the allowance of this case, the Examiner is invited to call the undersigned agent at (732)-524-1024.

Respectfully submitted,



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